## EXHIBIT "1"



630 SOUTH 4TH STREET LAS VEGAS, NEVADA 89101 PHONE: (702) 384-8424 FAX: (702) 384-6568 EXHIBIT "1"

1 2	DISTRICT COURT CLARK COUNTY, NEVADA		
3	CAROLYN BLACKMON, an individual,		
4	Plaintiff,	CASE NO.:A613128	
5	vs.	DEPT. NO.: XXV	
6 7 8	NEW ALBERTSON'S, INC., a Delaware Corporation, erroneously named as ALBERTSON'S, LLC, a foreign limited liability company d/b/a a/k/a ALBERTSON'S HOLDINGS, LLC, a foreign limited liability company;	AMENDED SUMMONS	
9	Defendants.		
10 11	NOTICE! YOU HAVE BEEN SUED. THE OWITHOUT YOUR BEING HEARD UNLESS THE INFORMATION BELOW.	COURT MAY DECIDE AGAINST YOU S YOU RESPOND WITHIN 20 DAYS. READ	
12	TO THE DEFENDANT: NEW ALBERTSON	r's, INC.	
13	A civil Complaint has been filed by the plaintiff	against you for the relief set forth in the Complaint.	
<ul><li>14</li><li>15</li><li>16</li><li>17</li></ul>	served on you exclusive of the day of service you must do the following:  a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.  b. Serve a copy of your response upon the attorney whose name and		
18 19	plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint,		
20	3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.		
21	Issued at direction of:	Clerk of Court	
22	issued at direction or.	CIEIR OI COURT	
23	M. J.	Ву:	
24	WILLIAM K. ERRICO, ESQ. Nevada Bar No. 6633	Deputy Clerk Date County Courthouse	
25	2850 W. Horizon Ridge Parkway Suite 200 Henderson NV 89052	200 South Third Street Las Vegas, Nevada 89155	
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**ACOM** 1 WILLIAM K. ERRICO, ESQ. 2 Nevada Bar No. 6633 WILLIAM ERRICO & ASSOCIATES 3 2850 W. Horizon Ridge Parkway Henderson Nevada 89052 4 (702) 434-43571 Attorney for Plaintiff 5 6 DISTRICT COURT 7 **CLARK COUNTY, NEVADA** 8 9 CAROLYN BLACKMON, an individual, Case No.: A-613128 10 Dept. No.:XXV Plaintiff(s), 11 vs. 12 NEW ALBERTSON'S, INC., a Delaware 13 Corporation, erroneously named as ALBERTSON'S, LLC, a foreign limited liability 14 company; ALBERTSON'S HOLDINGS, LLC, a foreign limited liability company; 15 DOES I through X, and ROE COMPANIES XI through XX, inclusive, 16 Defendants. 17 18 AMENDED COMPLAINT 19 COMES NOW, Plaintiff CAROLYN BLACKMON, by and through her attorneys of record, 20 WILLIAM ERRICO & ASSOCIATES, and for her causes of action against Defendants, and each of 21 them, alleges as follows: 22 1. At all times mentioned herein, Plaintiff CAROLYN BLACKMON was physically 23 within the County of Clark, State of Nevada; and availed herself to the jurisdiction of said County and 24 State. 25 26 27 1 28

- At all times mentioned herein, Defendant, NEW ALBERTSON'S, INC., a Delaware Corporation (hereinafter "Defendant ALBERTSON'S"), was licensed to operate a food store business in the County of Clark, State of Nevada.
- At all times mentioned herein, Defendant ALBERTSON'S, was operating a food store business located at or near the address of 2650 W. Horizon Ridge Parkway, Henderson, Nevada 89052.
- 4. Defendants, DOES I through X, and ROE corporations XI through XX are fictitious names; that Plaintiff is ignorant of the true names of the individuals, corporation, co-partnership, and association so designated by said fictitious names, and when the true names are discovered, Plaintiff will seek leave to amend this Complaint and proceedings herein to substitute the true names of said Defendants. Plaintiff believes that each of the Defendants designated herein as a DOE or ROE is negligent or responsible in some manner for the events herein referred to and negligently, carelessly, recklessly, and in a manner that was grossly negligent and willful and wanton, caused damages proximately thereby to the Plaintiffs as herein alleged.
- On or about September 19, 2008 Plaintiff was inside the Defendant Albertson's store owned and operated by Defendant, located at 2650 W. Horizon Ridge Parkway, Henderson, Nevada 89052. As Plaintiff was walking in the store near the meat department section, Plaintiff tripped over a metal plate that was not completely screwed down, causing Plaintiff to fall to the ground, thus injuring herself. There were no signs or other objects, warning of the unsafe and dangerous condition.
- 6. That due to the hazardous and defective conditions at said property and on said property, Plaintiff fell on the ground, injuring herself.
- 7. As a direct result and proximate result of the negligence, carelessness, recklessness, wanton and willfulness of the Defendants, and each of them, the Plaintiff suffered severe and serious debilitating personal injuries to her body.

## FIRST CAUSE OF ACTION 1 (NEGLIGENCE) 2 Plaintiff hereby repeats, realleges, and incorporates by reference, as though set forth 8. 3 fully herein, all allegations contained in Paragraphs 1 through 7, inclusive. 4 5 9. Defendant owed Plaintiff a duty to maintain its premises in a reasonably safe condition and 6 to warn of dangerous conditions. By creating and/or permitting a dangerous condition (unscrewed metal 7 plate) to exist on its premises and failing to warn of such condition, Defendant breached that duty. As 8 a proximate result of that breach, Plaintiff has suffered damages, which include but are not limited to, 9 past and future medical specials, past and future pain and suffering and mental anguish. That Defendants, and each of them, either knew or should have known that the metal 10 plate was not set in proper working condition, thus, creating hazardous conditions on the Defendant's 11 12 premises. 12. That Defendant, and each of them, had a duty to maintain its premises in a safe 13 condition. 14 15 That Defendant by having a dangerous unscrewed metal plate to exist on its premises, exposed Plaintiff to an unreasonable risk of harm. 16 17 That Defendant breached duty due care by failing to keep its premises in safe condition, 14. 18 thus, causing Plaintiff to suffer debilitating injuries to her organs and body. 19 That Plaintiff was required to obtain the services of an attorney to assist in the 20 prosecution of this claim and is, therefore, entitled to recovery for costs and attorney fees. 21 WHEREFORE, PLAINTIFF prays judgment against DEFENDANT, and each of them, on 22 each aforesaid cause of action for: 23 **(1)** General and Special damages in a sum in excess of Ten Thousand Dollars; Attorney's fees incurred on behalf of PLAINTIFF; 24 **(2)** 25 **(3)** Pre-Judgment Interest; 26 27 28 3

1	(4) Costs incurred herein; and
2	(5) Any such further relief as the Court deems just, fair and equitable.
3	DATED this 2/ day of APRIL, 2010.
4	WILLIAM ERRICO & ASSOCIATES
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7	WILLIAM K. ERRICO, ESQ. Nevada Bar No. 6633
8 9	2850 W. Horizon Ridge Parkway Suite 200 Henderson Nevada 89052
10	Attorneys for Plaintiff
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